

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 131 of 2005

Dattatraya Kisanrao Badhe .. Petitioner
versus
Kanhaiyalal Motilal Talera & ors. .. Respondents

...

Shri R.A. Thorat & P.J. Thorat for the petitioner.
Mr.Madhav Jamdar for the respondent no.1.

CORAM : B.H. MARLAPALLE, J

DATED : 12th September 2005.

P.C.:

1. In Special Civil Suit no. 304 of 1998, an application at Exhibit-64 came to be filed for return of the plaint under Order 7 Rule 11 before the trial court on or about 21st July 2003. The plaintiff filed his say opposing the said application at Exhibit-75 and by the impugned order dated 30th July 2004, the application has been rejected..

2. Though the application has been rejected,

the trial Court has observed that the issue of limitation could not be decided on the basis of the material available and therefore, the issue of limitation could be decided along with other issues after the parties record evidence.

3. This Civil Revision Application is therefore disposed of by directing that the issue of limitation shall be framed and decided along with other issues during the trial of the suit, if not so framed already.

4. The trial of the suit is expedited.

B.H. qARLAPALLE, J

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